

Meeting of 2006-1-10 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JANUARY 10, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk  
   COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by the Pastor Don Barnes of Lawton First Assembly Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two  
   Janice Drewry, Ward Three  
   Keith Jackson, Ward Four  
Robert Shanklin, Ward Five  
Jeffrey Patton, Ward Six (arrived @ 6:32 p.m.)  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF THE MONTH TO BERNITA BURKS.

Wyonna Alberty, Mayor s Commission on the Status of Women, presented the award for the Citizen of the Month for January 2006 to Bernita Burks. Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, a Certificate of Commendation from the Mayor s Office, and a Mayor s Do What s Right coin.

Ms. Burks thanked her friends and family and stated that it takes many volunteers at the community development resource center. She also thanked the City of Lawton for the support.

Mayor Purcell requested that item #24 be considered.

24.        Consider accepting donation of funds raised by the Fraternal Order of Police Lodge #98. Exhibits: None

Chief Ronnie Smith stated that Ben Meraz, through the FOP, has raised money for the Lawton Police Department to provide tasers. The group raised \$19,725. Mr. Meraz presented the check to Mayor Purcell. Chief Smith thanked Mr. Meraz for donating his time and effort to benefit the Lawton Police Department.

Deputy Chief Mathis stated they appreciated all the efforts of Mr. Meraz.

Mayor Purcell stated that Mr. Meraz has raised most of the money for the tasers and the City of Lawton is close to having 100% of their officers equipped with tasers. He thanked Mr. Meraz for all that he has done.

MOVED by Jackson, SECOND by Shoemate, to accept the donation. AYE: Givens, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION. None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF NOVEMBER 22 AND DECEMBER 1, 2005.

MOVED by Givens, SECOND by Drewry, to approve the Minutes of November 22 and December 1, 2005. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

CONSENT AGENDA: Mayor Purcell requested item 2 be considered separately. Shanklin requested items 12 and 13 be considered separately.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of items 2, 12 and 13. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Southwestern Bell Telephone L.P. in the amount of \$1,715.19. Exhibits: Legal Opinion/Recommendation, Resolution No. 06-\_\_\_\_.

2. Consider the following damage claim is recommended for denial: Westminster Presbyterian Church in the amount of \$7,702.43. Exhibits: Legal Opinion/Recommendation.

Vincent stated there is no doubt that the sewer backup occurred at the church property, the reason it was denied was because of lack of notice. There were no prior problems with this sewer main, therefore the City did not have notice. If the City Council desires to pay this claim the appropriate amount would be \$7,255.07.

Walt Horton, 813 NW 49<sup>th</sup> Street, stated he was a member of Westminster Presbyterian Church and he has no problem with the recommendation from staff. He stated the back up did not occur on November 31st, that was the date of the claim. The date of the event was on September 14<sup>th</sup>. They started having problems with back ups after the church was built 32 years ago. After calling contractors, the problem was not on the church side. They have just cleaned it up and not made much fuss. He stated the City has been very responsive when they do have problems. The church has less use on the sewage than a home would. They run an office for four hours a day and also Sunday service. They have investigated and there are three things that are causing their problems. One is a homeowner dumping his swimming pool into the system, one is when they get a large group in the church and the other is when it rains. He felt the City Council needed to hear an explanation from a representative from the church.

Vincent questioned if the church members had thought about installing a back flow preventer so the water does not come back into the church.

Mr. Horton stated he is looking into that option.

Vincent stated there are several back flow preventers on the market that would stop this problem.

Mr. Horton stated they will do anything they can to alleviate the situation.

MOVED by Warren, SECOND by Shoemate, to approve Resolution No. 06-02 to pay the claim in the amount of \$7,255.07 to be paid when a backflow preventer is installed and inspected. AYE: Shanklin, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Michael Lee Klein in the Workers' Compensation Court, Case No. 2005-10108H. Exhibits: Resolution No. 06-\_\_\_\_.

4. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers compensation claim of Roger Parks. Exhibits: Resolution No. 06-\_\_\_\_.

5. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers compensation claim of Gary Bishop. Exhibits: Resolution No. 06-\_\_\_\_.

6. Consider adopting a resolution ratifying the action of the City Attorney in approving the negotiated Form 14 settlement in the Workers' Compensation case of Kurt Short, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls. Exhibits: Resolution No. 06-\_\_\_\_.

7. Consider approving the subrogation settlement of the Group Health Insurance claim involving Jessica Phawpatchoko in the amount of One Thousand Five-Hundred Eighteen and 52/100 Dollars (\$1,518.52) and authorize the City Attorney to execute the necessary documents. Exhibits: Letter of December 9, 2005, from Tommy L. Sims.

8. Consider approval of a Professional Services Agreement with Roy B. Hooper from January 1, 2006 through June 30, 2006, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Consultant Agreement will be available for review in the City Manager's Office.

9. Consider extending the Consultant Agreement with Rebecca Zittle, Center for Educational Evaluation and

Research (CEER) for a period of six (6) months, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Copy of Consultant Agreement.

10. Consider approving the construction plans for an extension of the sewer main located approximately 250 feet north of Lee Boulevard on the east side of SW 52<sup>nd</sup> Street. Exhibits: Location map.

11. Consider acknowledging receipt of permit for the construction of water lines and appurtenances from the Oklahoma Department of Environmental Quality to serve the 2000 CIP Waterline Replacement Project #2005-15, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

12. Consider authorizing staff to re-advertise the Arterial Street Repair Project #2005-3. Exhibits: None.

Shanklin stated he pulled this item because they gave staff the authority on November 22<sup>nd</sup> to advertise and on December 20<sup>th</sup> there were no bidders. He questioned how big a project this was and why didn't they get any bidders.

Jerry Ihler, Public Works Director, stated this was a safety project dealing with lanes on Cache Road, Gore, Sheridan and major arterials where the concrete has buckled. They go in and replace different sections city wide.

The project estimate is in the \$500,000 range, which is a smaller project. There were four contractors who attended the pre bid meeting. Their greatest concerns were traffic control issues and the major of the cost of the project is traffic control because this is on major arterials. Most of the contractors would just bid these out to sub contractors, so he is guessing that is why there were no bids.

MOVED by Shanklin, SECOND by Warren, to authorize staff to re-advertise the Arterial Street Repair Project #2005-3. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

13. Consider approving Contract Amendment #5 with Burns & McDonnell Engineering Company, Inc. for additional engineering services for the Landfill Expansion (Master Plan) Project #2000-18. Exhibits: Amendment #5 to contract agreement and letter dated December 13, 2005 from Burns & McDonnell.

Shanklin stated the commentary states that additional compensation of \$4,000 is recommended for this professional service in-lieu of the \$15,035 proposed by Burns and McDonnell, but the recommended action is to approve the contract in the amount of \$14,500. He questioned the amount.

Ihler stated there are three areas where the engineers are requesting an amendment to the contract. Those three areas combined for a lump sum of \$14,500.

MOVED by Shanklin, SECOND by Haywood, to approve Contract Amendment #5 with Burns and McDonnell Engineering Company, Inc. in the amount of \$14,500 for additional engineering services for the Landfill Expansion (Master Plan) Project #2008-18. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

14. Consider adopting a Street Light Resolution No. 440 to authorize the installation of one (1) street light as detailed below. Exhibits: Street Light Resolution No. 440.

15. Consider approving a Resolution increasing the petty cash account for the License & Permit Division. Exhibits: Resolution No. 05-\_\_\_\_.

16. Consider awarding (CL06-028) Hydrogen Peroxide to Brenntag Southwest of Sand Springs, Oklahoma. Exhibits: Abstract of bids and department recommendation.

17. Consider awarding (CL06-029) Liquid Aluminum Sulfate (Low Iron) to General Chemical Performance Products, L.L.C., of Parsippany, New Jersey. Exhibits: Abstract of bids and department recommendation.

18. Consider awarding (CL06-030) Sodium Hypochlorite to DPC Industries, Inc., of Cleburne, Texas. Exhibits: Abstract of bids and department recommendation.

19. Consider approving the following contract extensions : (CL05-030) Flush Truck Hose, (CL05-019) Ballistic Vests and Covers, (CL05-032) Metal Products, (CL05-018) Hydraulic Root Saws, (CL05-033) Credit Card Acceptance Program, (CL04-023) Sodium Bisulfite, (CL05-023) Police Footwear, (CL05-031) Police Duty Gear. Exhibits: None. (Contracts, information from previous bid awards, and letters of staff recommendation on file in Financial Services Office).

20. Consider approving appointments to boards and commissions. Exhibits: None.

21. Consider approval of payroll for the periods of December 5 - 18, 2005. Exhibits: None.

#### OLD BUSINESS ITEMS:

22. Consider the following damage claim recommended for denial: Walter & Brenda Baxter. Exhibits:

## Supplemental Claims Memorandum/Recommendation.

Vincent stated on December 13<sup>th</sup> the City Council considered this claim and heard from the claimant, Mr. Baxter, who alleged that the damage occurred on his property. The City Council requested that staff verify the location of the damage. He distributed photos of the property. All of the work occurred between the fence and the sidewalk, which means that it is on city property. He continued to recommend denial of the claim.

Shanklin stated they have always paid these, not only for good public relations, but the fact that we have infrastructure that is worn out and probably wasn't any good when we put it in. He could remember when they denied a sewer line off of 67<sup>th</sup> because we didn't have any problem. He investigated and there was sewage in two people's back yards. He just wanted to make that comment.

MOVED by Drewry, SECOND by Patton, to deny the claim. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

23. Hold public hearings and adopt resolution declaring the structure at 1202 W. Gore Boulevard to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Resolution No. 06-\_\_\_\_. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors and case history are available from Neighborhood Services.

Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. He stated this item was brought before the City Council on November 22<sup>nd</sup> and tabled for 60 days with the intent that the titleholder bring the property up to code or make substantial progress. The overhang is in poor repair and has missing tiles. It presents a hazard to pedestrians and people walking around the building. There has been some work done on one of the buildings. There are also several dilapidated signs on the property. It is the responsibility of the titleholder to abate these signs.

### PUBLIC HEARING OPENED

John Zelbst, attorney for the property owner, distributed a letter that set out the work that has been performed on the property. He stated the past sixty days have been a holiday period which takes away from time to work on the property. He stated that the property owner, Mr. Mansell, had also had a water leak in another property which he had to repair. The roof does have some leaks, but it is difficult to determine where the leaks are until it rains. Mr. Mansell has gone through a substantial amount of the roofing. Thirty-five percent of the roof has been worked over and the leaks in those areas have been repaired. It is a continuous job that has to be done. They have done substantial painting, but they have to wait for appropriate temperatures to finish. The overhang has been scraped and is ready to be painted. They have picked up all trash and debris from the complex. There is some vandalism that has occurred, and Mr. Mansell has spent approximately \$3,000 replacing windows and glass. He requested that the Lawton Police Department watch the area. Mr. Mansell has removed stored items from the property. He stated Mr. Mansell has a difficult time getting tenants interested in the property once he tells them that he is on the D&D list. The tenant does not know if they want to rent because there is uncertainty. Many of the tenants want the space done to certain specifications so there is usually some type of accommodation to that tenant. He said it would be foolish to remodel the inside of the building until he has tenants. There is a plan to continue the repair of the roof, repair and paint the overhang on the north side and repair and paint the existing sign. The facade on the east side has been repaired. He plans to repair the entire north side. As the spaces are rented, he will repair the floor covering and the ceiling tiles upon the tenants request. They hope to have the property brought up to standards. He requested that the City Council not put a time limit on these repairs. Everyone wants to see continued improvement on the property.

Mayor Purcell stated that after this item was on the agenda he received a minimum of a dozen calls. Some of those calls were from previous tenants of the building. He stated if the City Council does not put some kind of time limit on the repairs, but they will be waiting years with the same list of ongoing projects. It is unreasonable to ask that the City Council put up with the phone calls they will be receiving. They need to come up with some amount of time that the property will be brought up to code and tenants can start moving in.

Mr. Zelbst stated that he understood that the City Council will have to answer to their constituents.

Mayor Purcell stated they need to give the City Council some kind of time frame.

Mr. Zelbst stated he will discuss the time frame issue with Mr. Mansell.

Timothy Niers, NW 38<sup>th</sup> Street, Victoria Square, stated he does not understand why there is no fencing or signs stating the property is a dangerous area. Anyone could walk up to the building and get hurt.

Mike McKee, 142 NW 36<sup>th</sup> Street, stated he does not defend the looks of the building, but he came from the perspective

of a local property owner. The precedence it would set to demolish a building in that shape is a slippery slope for the City of Lawton. He knows Mr. Mansell on a business level, and he does have a difference of opinion on how he would do things with the property. He stated there is piece of property owned by the City of Lawton on the west side of 40<sup>th</sup> Street that is as dangerous as anything that has been shown. It is difficult for him as a property owner to hear what is being said and it is hard for him to understand the demolition of a building in that shape. It sets a hard precedence when there are hundreds of businesses and homes in this community that are at that standard or below, including some city owned lots. They need to get ready for some real problems in they go down that road.

Mayor Purcell stated they are not tearing down the building at this time. Mr. Mansell has time to go in and obtain a remodel permit to take care of the work. He is in good shape as long as he is making progress.

Jackson stated that there are eight cautious people sitting on the Council and they are not here to make rash or hazardous decisions. He also received phone calls of concern about this property.

Rick Strickland, stated he has been a friend of Mr. Mansell s for forty years. He stated his daughter wants to move back to Lawton. He rented property from Mr. Mansell fifteen years ago. He cannot engage in a conversion with Mr. Mansell about business if the property is on the list. He would like to bring his family home to open a business, but cannot sign a five-year lease with Mr. Mansell.

Mayor Purcell stated part of this would be resolved if Mr. Mansell gets a remodel permit. As long as he is making progress, nothing comes back to Council.

Al Caldwell, 1420 NE Rogers Lane, stated he has known Mr. Mansell for a while and he suggested that there is an alternative other than placing the property on the D&D list. He questioned if there were fines or other types of recourse if he does not meet the requirements. There has to be a way so that Mr. Mansell does not have to tell potential tenants that the property is on the D&D list.

Tom Rheinlander, 5108 NW Cherry, stated he is a member of The First Presbyterian Church which is located at 1302 A Avenue, which is southwest of the building. He stated there is an easy solution which is to fix the property and bring it up to code. During the last few years he has taken care of the church facility. When they cut the grass they also have to clean up all the trash and debris that blows from the shopping center. In general they see a decaying property that has not been maintained, a congestion property that accumulates trash and refuse. The property attracts vagrants, homeless individuals and stray animals that are seeking shelter. The property is a deterrent to growth in the neighborhood. The church now has to lock their dumpster to keep people out of it. They have installed video cameras due to theft and break ins. He stated one of these days some tile will fall off the building and there will be a law suit. Every December residents, guests and visitors drive to downtown between the 200 and the 1200 block of Gore to show off the Boulevard of Lights, but how many people go one block further west. The property has sat too long without significant improvement and now it needs to be condemned.

Clinton Herring, 244 NW Gore, stated he is a commercial property owner in Lawton and a long time acquaintance of Mr. Mansell. He stated it is not the best looking property in town, but it is not the worst.

Mr. Zelbst stated he is also a member of the Presbyterian Church and the parking lot directly to the north has been used by members of the church and no one has ever charged them rent. He stated Mr. Rheinlander is out of line, but everyone is entitled to their opinion. That is a neighborhood that has run down over the years. He stated he visited with Mr. Mansell who would like to request an additional six months. The major expense is the roof and once they can get that repaired they can replace the tiles which will solve a lot of the problems. He stated there is a difference between dilapidated and dangerous as opposed to what may be ugly.

PUBLIC HEARING CLOSED.

Shanklin stated they are not going to tear that property down. Mr. Zelbst will have this case tied up in court five years from now. They are kidding themselves if he thinks he can patch that roof, it needs to be replaced. He requested the City Council go look at 2104 Lake. He stated that Mr. Mansell does not care how bad it looks, but there needs to be someone to sign off on the roof repair. He appreciated Mr. Rheinlander s comments. He stated there is no sense placing this property on the D&D list, and suggested giving Mr. Mansell six months if Mr. Zelbst will assure him that some one in the roofing business will sign off that the roof has been repaired. He questioned if a property is put on D&D and then taken to District Court, is the property owner allowed to continue work on the property.

Vincent stated once it is put on D&D, if they do not pull the permit and it is taken to District Court, the property owner cannot do anything to the property that would require a permit.

Shanklin questioned what if they pull a permit and then it goes to District Court.

Vincent stated they do not take it to District Court if they pull a permit.

Shanklin stated that a person can spend more money patching a roof than if he ripped it off and put a new one on. Since this is something that has been ongoing and Mr. Mansell is sincere in wanting to repair the property, they can't put this on the D&D list.

Givens questioned what Mr. Shanklin will do in six months when the roof has not been repaired.

Shanklin stated he is just giving Mr. Zelbst what he is asking for and he can see for himself that there will not be a new roof in six months.

MOVED by Shanklin, SECOND by Haywood, to table for six months and require a legitimate roofer sign off on the work done on roof. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Givens. MOTION CARRIED.

Jackson stated he honestly does not believe that Mr. Mansell wants to tie this up in District Court because he would not be able to rent out any space during that time. The ball is in their court.

#### NEW BUSINESS ITEMS:

25. Consider a resolution changing the name of SW F Avenue between SW 27<sup>th</sup> Street and SW 38<sup>th</sup> Street to Dr. Elsie Hamm Drive. Exhibits: Resolution No. 06-\_\_\_\_ and Location Map.

Mayor Purcell stated the only reason this item is back on the agenda is because the actual resolution must be approved.

MOVED by Shanklin, SECOND by Warren, to adopt Resolution No. 06-08 changing the name of SW F Avenue between SW 27<sup>th</sup> Street and SW 38<sup>th</sup> Street to Dr. Elsie Hamm Drive. AYE: Jackson, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

26. Consider awarding a construction contract to Evans & Associates Utility Services, Inc. for the 2000 CIP Waterline Replacement Project #2005-15. Exhibits: Location Map.

Ihler stated on November 22<sup>nd</sup> the City Council approved plans and specifications and authorized staff to go out to advertise for bids for a water line replacement project in the Sullivan Village area. They received bids on December 13<sup>th</sup> from two companies. Evans & Associates were the low bidders. The project is funded from the \$2,000 CIP program.

MOVED by Jackson, SECOND by Shoemate to award a construction contract to Evans & Associates Utility Services, Inc. for the 2000 CIP Waterline Replacement Project #2005-15. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

27. Hold public hearings and adopt resolutions declaring the structure(s) at: 209 S.W. Summit Avenue, 311 S.W. H Avenue, 302 S.W. Washington Avenue, 1510 S.W. Washington Avenue, 1510 S.W.D Avenue, 1602 S.W. Jefferson Avenue, 1623 S.W. Garfield Avenue, 1817 S.W. Jefferson Avenue, 1911-1913 SW 6<sup>TH</sup> Street, 2023 S.W. NH Jones Avenue a/k/a 2023 Roosevelt Avenue, 7 N.W. Arlington Avenue, 22 N.W. 29<sup>TH</sup> Street, 514 N.W Bell Avenue, 1514 NW Dearborn Avenue and 501 N.E. Patterson Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Fifteen Resolutions, Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors and case history are available from Neighborhood Services.

209 SW Summit Avenue: Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. There have been no utilities since April 1997. It is vacant and the exterior surface lacks protective treatment. The exterior walls have holes. It presents a health and safety risk to the community.

#### PUBLIC HEARING OPENED.

Mary Etta Willman, stated the property was owned by her parents, but she now pays the taxes. She requested six months to try and repair the property.

Warren stated if the City Council declares the property dilapidated, Ms. Willman will have thirty days to obtain a permit and then approximately 90 days after that as long as she continues to remodel.

#### PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-09** and declare the structure at 209 SW Summit Avenue to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Drewry, Jackson, Shanklin. NAY: Givens. MOTION CARRIED.

302 SW Washington: Griffith presented photographs of the property. There have been no utilities since October 2005, but the utilities were just turned on for one month. The structure is vacant. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED.

Darrell Dunn, 6 SE Camelot, stated he just received the deed to the property on November 1<sup>st</sup>. On December 15<sup>th</sup>, he received the notice that it was going to be condemned. He has not had time to evaluate the property and he is asking for 90 days to make that decision. He stated that he understood that you cannot spend more than 50% of the assessed value into the property.

Griffith stated that is part of the city code. The repairs should not exceed 50% of the appraised value of the property.

Shanklin stated that the 50% rule has really never come into play. He stated if they pass this resolution, Mr. Dunn has the time to decide what he wants to do with the property.

Mr. Dunn stated he was still concerned that he cannot spend over 50% of the appraised value.

Shanklin questioned who would appraise it?

Mayor Purcell suggested they suspend this item until the City Attorney returns with the proper answer.

PUBLIC HEARING CLOSED.

311 SW H Avenue: Griffith presented photographs of the property. There have been no utilities since February 1998. It is vacant and the exterior lacks protective treatment from the elements. The exterior walls have holes. The doors are in poor condition. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-10** and declare the structure at 311 SW H Avenue to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Drewry, Jackson. NAY: Givens. MOTION CARRIED.

1510 SW Washington: Griffith presented photographs of the property. The property was declared dilapidated by the City Council on September 15, 2005. At the time they used an incorrect legal address.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shoemate, to approve **Resolution No. 06-11** and declare the structure at 1510 SW Washington to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Patton. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

The City Council returned to the item addressing 302 SW Washington and re-opened the public hearing.

PUBLIC HEARING OPENED.

Mayor Purcell questioned if it is true that Mr. Dunn would not be able to spend more than 50% of the appraised value on repairs.

Vincent stated that the state statute and the old city code used to state that a method of determining dilapidation was if the cost of repairs exceeded 50% of the current value of the house. This did not mean that anyone could not go out and spend 80% or 90%. This has been removed from state law and removed from the city code.

Mr. Dunn clarified that he has 30 days to decide whether or not to obtain a permit. He questioned how long he would have if they chose to demolish the structure.

Vincent stated they would have 30 days, once they pull a demolition permit, to get the structure down and bring the property up to grade, get rid of the concrete and tie off the water and sewer lines, unless an extension is granted by the City Council. If upon inspection by the City Manager or his designee, the City Manager may grant up to two 30-day extensions. After that, the property owner may still come back to the City Council for an additional extension.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-12** and declare the structure at 302 SW Washington to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

1510 SW D Avenue: Griffith presented photographs of the property. The structure is vacant. The title holder has approached staff to declare the property dilapidated for the purpose of reduced tipping fees.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 06-13** and declare the structure at 1510 SW D Avenue to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1602 SW Jefferson: Griffith presented photographs of the property. There have been no utilities since December 1997. The structure is vacant. The title holder has approached staff to declare the property dilapidated for the purpose of reduced tipping fees.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shanklin, to approve **Resolution No. 06-14** and declare the structure at 1602 SW Jefferson to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1623 SW Garfield: Griffith presented photographs of the property. The structure is vacant. The exterior walls have holes and cracks. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-15** and declare the structure at 1623 SW Garfield to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

1817 SW Jefferson: Griffith presented photographs of the property. There have been no utilities since 1982. The property is vacant and presents a health and safety risk to the community.

PUBLIC HEARING OPENED.

Clarence Williams, title holder, stated he has just obtained a remodel permit. He stated the inspector has already been to the property and given him a list of what needed to be done.

Griffith stated that Mr. Williams came into his office that afternoon and inquired if he could obtain a permit. The permit has not been issued to Mr. Williams.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-16** and declare the structure at 1817 SW Jefferson to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1911-1913 SW 6<sup>th</sup> Street: Griffith presented photographs of the property. The title holder has approached staff to declare the property dilapidated for the purpose of reduced tipping fees. There is no record of the property having utilities. The structure is vacant.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-17** and declare the structure at 1911-1913 SW 6<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. ABSENT: Givens. MOTION CARRIED.

2023 SW NH Jones Avenue: Griffith presented photographs of the property. There have been no utilities since June 2003. The structure is vacant. It presents a health and safety risk to the community.

Haywood stated this was on the D&D list before.

Griffith stated he has no record of this property coming before the City Council.



PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-18** and declare the structure at 2023 SW NH Jones Avenue to be dilapidated and a public nuisance. AYE: Shoemate, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. ABSENT: Givens. MOTION CARRIED.

7 NW Arlington: Griffith presented photographs of the property. There have been no utilities since August 2002. The structure is vacant. There is accumulation of garbage both inside and out. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 06-19** and declare the structure at 7 NW Arlington to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. ABSENT: Givens. MOTION CARRIED.

22 NW 29<sup>th</sup> Street: Griffith presented photographs of the property. There have been no utilities since 2004. The structure is vacant. The decorative features are unsecured. Staff has had to clean up the property several times. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Drewry, SECOND by Shanklin, to approve **Resolution No. 06-20** and declare the structure at 22 NW 29<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. ABSENT: Givens, Patton. MOTION CARRIED.

514 NW Bell: Griffith presented photographs of the property. The property was declared dilapidated by the City Council, but because of an error in the legal description, it had to be brought back. There have been no utilities since September 2003. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Drewry, to approve **Resolution No. 06-21** and declare the structure at 514 NW Bell to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Givens, Patton. MOTION CARRIED.

1514 NW Dearborn Avenue: Griffith presented photographs of the property. He stated the structure has fire damage and is damaged beyond repair. The title holder has approached staff to declare the property dilapidated for the purpose of reduced tipping fees.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Jackson, to approve **Resolution No. 06-22** and declare the structure at 1514 NW Dearborn to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. ABSENT: Givens, Patton. MOTION CARRIED.

501 NE Patterson Avenue: Griffith presented photographs of the property. The structure has fire damage beyond repair. The title holder has approached staff to declare the property dilapidated for the purpose of reduced tipping fees. He stated that one of the contractors has volunteered to tear the building down.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-23** and declare the structure at 501 NE Patterson Avenue to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Givens, Patton. MOTION CARRIED.

Shoemate questioned staff if anything has been done to 2013 and 2015 NW 24<sup>th</sup> Street. It has been on the D&D list for months.

Griffith stated it is probably in litigation which is a lengthy process. He will research the status and report back to Mr. Shoemate.

Haywood questioned if they are still cutting grass.

Griffith stated that many lots have been cut because they are a fire hazard.

28. Hold a public hearing and consider Ordinance No. 06-\_\_ amending Section 18-4-1-413, Division 18-4-1,

Article 18-4, Chapter 18, Lawton City Code, 1995, by establishing criteria for the conversion of residential structures to professional, administrative, or governmental offices. Exhibits: Ordinance No. 06-\_\_\_\_.

Richard Rogalski, Planning Director, stated in many of the older parts of the community there are sound residential structures that could easily be converted into professional/business office uses. These homes are often located adjacent to stable residential neighborhoods, and the maintenance of the residential character of the neighborhood could be preserved by the continued use of the residential architecture for office purposes. Often these structures were built prior to any setback requirements but have sufficient yard space available for construction of small off-street parking areas.

He stated the ordinance would allow conversion of a residential structure to office use based upon the use permitted on review procedure. The applicant would submit a site plan for review by the City Planning Commission (CPC). The CPC would hold a public hearing and establish the requirements of a binding site plan. Such requirements would include but not be limited to landscaping, off-street parking spaces, setbacks, screening, and driveways. The requirements of the binding site plan would be in addition to any applicable building code requirements.

Shanklin questioned if they modeled the ordinance after another city.

Rogalski stated it was not modeled after any other ordinance. It is not a detailed ordinance, but it just provides a site plan procedure to allow give and take.

Shanklin questioned if they were talking about all zones.

Rogalski stated only PO and C-1, but it only allows Professional Office use. At this point they felt like taking a single step forward and Professional Office is considered the most compatible zone with the residential neighborhood.

Shanklin questioned if a law office in an R-2 would have to do this.

Vincent stated if the law office meets the definition of a home occupation, then a law office can go into an R-2. If they want to create a professional office, which would include more than one employee, they would have to get rezoned. This ordinance allows for the conversion of the existing residential structure, like in a buffer zone, between an R-1 and Commercial. They will still have to meet ADA requirements and create a buffer between the business and residential areas.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Shanklin stated they haven't had this for years, why do they need it now. Who are they trying to cut out of the picture.

Vincent stated it came up when some individuals wanted to convert a structure south of Gore near Crockett s, where the street is so wide that they did not have room to put in parking. Staff had to go through the process of vacating streets so they could get additional property so they could build a parking lot. This would allow staff to solve the problem without having to come back to Council.

MOVED by Givens, SECOND by Patton, to adopt **Ordinance No. 06-01** waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSENT: Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-01

An ordinance pertaining to planning and zoning creating Section 18-4-1-413, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 2005, by establishing criteria for the conversion of residential structures to professional, administrative, or governmental offices, providing for severability and codification.

29. Consider adopting an Ordinance amending the Lawton City Code 2-3-10-367, by removing the limitation on number of terms a board member may serve on the Parks and Recreation Commission, providing for severability and declaring an emergency. Exhibits: Ordinance No. 06-\_\_\_\_.

Warren stated he put this item on the agenda because he is having a hard time finding residents who are willing to serve. When he has a board member that does show up and is doing a good job, he would like to be able to re-nominate that person.

Mayor Purcell stated that this ordinance will allow citizens to serve more than two terms. The City Councilor does not have to reappoint that citizen if they are not doing a good job. He stated it is a full time getting people to serve

on boards and get them to show up. He stated as soon as a board chairman tells him that someone has missed three meetings, he is removing them from that board. Boards are having trouble getting a quorum.

Warren stated this only applies to the Park and Recreation Board.

Mayor Purcell stated that this issue will keep coming up for other boards until they get them all changed.

MOVED by Warren, SECOND by Shoemate, to approve **Ordinance No. 06-02** waive the reading of the ordinance, read the title only and declare an emergency. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-02

An ordinance pertaining to administration, amending Section 2-3-10-367, Division 2-3-10, Article 2-3, Chapter 2, Lawton City Code, 2005, by removing the limitation on the number of terms a board member may serve on the Parks and Recreation Board, providing for severability, and declaring an emergency.

30. Consider adopting an ordinance creating Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by establishing a procedure for a Semi-Automatic Refuse Collection system, providing for severability, codification and establishing an effective date and consider approving a resolution amending the fee schedule to include a fee for additional containers. Exhibits: Ordinance No. 06-\_\_\_ and Resolution No. 06-\_\_\_\_.

Ihler stated on September 27, 2005, the City Council approved staff to proceed with a solid waste collection pilot program involving semi-automated trash collection in 95-gallon containers. This ordinance identifies the areas and parameters for participating in the program and the resolution established an annual \$5 per month fee for a second container if the resident desires. The City will provide each resident with one 95-gallon container. Twice a week pick up will continue. All trash must be in the container and any trash placed outside the container will not be picked up. Spring and fall clean ups will continue. Staff has started delivering containers to residents. The serial number on the container will correspond to that address. The program will start on February 6<sup>th</sup>.

Patton questioned if residents should paint their address on their containers.

Ihler stated they should not paint on their containers.

Patton questioned if the lid has to be closed on the container.

Ihler stated the lid has to be in a closed position.

Givens questioned if smaller containers will be available.

Ihler stated not for the pilot program. They may look at that option for the future. Staff will continue to provide house side pick up if that is what the resident is receiving now.

Shoemate stated he is still concerned about grass clippings, leaves, and extra trash at the holidays.

Shanklin stated that this brings equity to all citizens. If this program works at Fort Sill there is no reason it cannot work in Lawton. He was told by the Mayor of Norman that in three years their workers comp paid for the program. There will be problems, but they may have to have additional clean ups.

Mayor Purcell stated the Mayor of Cache told him there was opposition when they started, but after the first two weeks it was amazing how clean the city became.

Warren stated that there is a once a week trash pickup out there in the future. He is concerned that those whose trash is picked up on Monday will only have one trash pickup in two weeks during the holidays.

Ihler stated that if they choose to go to once a week pick up sometime in the future, they would utilize Wednesday to pick up for those who have Monday pick up.

Jackson stated there are no thoughts by this Council about going to once a week pick up.

Ihler stated that all residents will have the option to purchase a second container for \$5 a month.

Patton questioned what would happen if someone stole the container.

Ihler stated the resident would have to purchase another container for \$50.

Warren stated he is not advocating once a week pick up, but that would be the only way to save money.

Mayor Purcell stated they will save on workers compensation costs and this program will help with litter around the city, so there are other benefits.

MOVED by Shanklin, SECOND by Jackson, to approve **Resolution No. 06-24** and **Ordinance No. 06-03** waive the reading of the ordinance, read the title only and declare an emergency. AYE: Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: Warren, Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-03

An ordinance pertaining to utilities creating Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by establishing a procedure for a semi-automated refuse collection system, providing for severability, codification, declaring an emergency, and establishing an effective date of February 6, 2006.

31. Consider approving proposed rates for use of the Elmer Thomas Park/Lake Helen Stage. Exhibits: Proposed Rate Sheet for Elmer Thomas/Lake Helen Stage.

This item was stricken.

32. Consider approving a proposed standard lease agreement for use of the Elmer Thomas Park/Lake Helen Stage. Exhibits: Standard Lease Agreement.

This item was stricken.

33. Consider directing the City Manager to include in the fiscal year 2006-2007 budget the funding of an Emergency Operation Center (EOC) to include the full time position of Emergency Operation Manager (EOM). Exhibits: N/A.

Mayor Purcell stated when he attended the National League of Cities Conference he attended meetings which discussed emergencies and disasters. One problem that was discussed was that even though these locations had emergency operation plans, it wasn't very good. Some had emergency operation directors, but many were doing two jobs. The City has had discussions with Comanche County representatives, but two Commissioners, the eastern and western representatives are listening to a small group of people who do not seem to be too concerned about the safety of this community. He stated he is concerned about the 94,000 residents that live in the city of Lawton which makes up 82% of the county. Comanche County has yet to sign an agreement with the City of Lawton. If they do not agree to consolidate E-911 and the EOC, the City of Lawton needs to protect the citizens of this city. He is proposing that the City Council give direction to the City Manager to put in the budget, a full time Emergency Operations Director. There is currently a full time E-911 Director. Should something happen and the County decides to support the merger, this can be taken out of the budget.

Shanklin stated we have to educate those 94,000 residents that they are also Comanche County residents and we can't be held hostage by those naysayers about our future growth and our position as the hub of the Southwest. Somewhere down the line we have to replace those two people and the only way to do that is for residents to realize that we have to move on.

Patton stated he completely agrees with this issue, but does this mean that there will be no chance of negotiation between the City of Lawton and Comanche County. He did not attend the special meeting, but did read the minutes and was very discouraged. Are we at a complete impasse?

Mayor Purcell stated he is hoping that this motion may bring enough pressure on the eastern and western district commissioners that they will see the light. The entire county passed the question of putting 50 cents on every cell phone bill. The only two precincts that did not pass that bill in total were on the western edge of Comanche County. Part of that 50 cent charge will belong to the City of Lawton, and with 80% of the county resident in the city, that would only leave the county with 20% of that money. They cannot implement that upgrade with only 20% of that money collected. He hopes this motion will put pressure on the county, because we really need to consolidate. It will be consolidated by a federal directive at some time.

Patton stated the citizens of Lawton have been apathetic about what has gone on at the county level. Like it or not, we are Comanche County.

Drewry stated we cannot afford to wait on this issue.

Mayor Purcell stated the citizens of Lawton would be appalled at how much money it is costing because of actions going on outside the city's control.

MOVED by Shanklin, SECOND by Drewry, to direct City Manager to include in the fiscal year 2006-2007 budget the funding of an Emergency Operation Center to include the full time position of Emergency Operation Manager. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin stated he is seeing trash all over. The refuse foreman should be able to write someone a ticket.

Haywood stated he would like to recognize Ms. Allen and Mrs. Stephenson who recently passed away. Both lived in the 1600 block of Lawton View.

Mitchell stated the ice skating rink was open 32 days and over 4,200 people participated. The city collected \$6,200. He is hoping the rink will be back next year in Elmer Thomas Park.

The Mayor and Council convened in executive session at 8:50 p.m. and reconvened in regular, open session at 9:39 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Consider convening in executive session pursuant to Section 307B.3, Title 25, Oklahoma Statutes, to discuss the sale of City owned property, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item 34 shown above. He said the Council did receive a briefing on the item.

MOVED by Givens, SECOND by Warren, to declare a single tract of land described as lots 1-8 of Block 69 of Lawton Heights subdivision with the City of Lawton retaining a drainage easement over lot 8 also described as lot 1 of Block 69 of Lawton Heights Addition with the City of Lawton retaining a drainage easement over the west 28 9 as surplus property and authorized the tract to be sold at public auction and set a minimum bid of \$100 per lot. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss Case No. CS-2003-161; The City of Lawton vs. The Samoan Christian Fellowship Church of Lawton and take action in open session as necessary. Exhibits: None

Vincent read the title of item 35 shown above. He said the Council did receive a briefing on the claim.

MOVED by Jackson, SECOND by Shanklin, to authorize the City Attorney to cease collection efforts and waive the remaining balance of \$2,493.37 in Comanche County District Court Case No. CS-2003-161. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

36. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an Equal Employment Opportunity Commission (EEOC)/Tort Claim filed by Hedy S. Jackson and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 36 shown above. He said the Council did receive a briefing on the claim.

MOVED by Patton, SECOND by Warren, to approve a professional services agreement with John Zelbst Law Firm and authorize the Mayor and City Clerk to execute the agreement as such. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

37. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of John H. Vincent, Jr., City Attorney, and if necessary, take appropriate action in open session. Exhibits: None

Mayor Purcell read the title of item 37 shown above. He said the conclusion of the City Council is that Mr. Vincent is doing an outstanding job and he does an outstanding job of presenting and clarifying issues to the City Council. No action taken.

#### ADJOURNMENT

There being no further business to consider, the meeting adjourned at 9:44 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.  
JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci L. Hushbeck  
TRACI HUSHBECK, CITY CLERK

ADJOURNMENT